

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6540

FRANKIE L. BATTLE,

Plaintiff - Appellant,

versus

VIVIAN REYNOLDS, individually and in her official capacity as jailhouse chief supervisor officer of Marion County jailhouse in the city of Marion County within the state of South Carolina; HOWARD GELESPY; KENNY DAVIS; THOMAS S. PAYNE, III; DOCTOR DERWELL; DOCTOR BECK; DOCTOR BLANTON; SAMUEL J. FRIEDMAN; J. NURSE; MARION COUNTY, individually and in their official capacity as a municipal corporation organized under and pursuant to the laws of the state of South Carolina; MARION COUNTY, Jailhouse Supervisors in the offices or commissioner, individually and in their official capacity as the local governing entity policy maker of South Carolina and in their supervisory roles for the county of Marion, South Carolina,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Henry M. Herlong, Jr., District Judge. (CA-94-2254-20-AJ)

Submitted: August 22, 1996

Decided: September 5, 1996

Before RUSSELL, HALL, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Frankie L. Battle, Appellant Pro Se. L. Hunter Limbaugh, WILLCOX, MCLEOD, BUYCK, BAKER & WILLIAMS, P.A., Florence, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals the district court's order dismissing his 42 U.S.C. § 1983 (1988) complaint. Appellant's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1988). The magistrate judge recommended that relief be denied and advised Appellant that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Appellant failed to object to the magistrate judge's recommendation.

The timely filing of objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). See generally Thomas v. Arn, 474 U.S. 140 (1985). Appellant has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED